

### **REMARKS**

Claims 1 and 6-12 are present in this application. Claim 1 is independent. No claims have been canceled, no claims have been added, and claim 1 has been amended. Reconsideration of this application, as amended, is respectfully requested.

#### **Claim Rejection - 35 U.S.C. § 112, second paragraph**

The Examiner rejected claims 1 and 6-12 under 35 U.S.C. § 112, second paragraph, asserting that claims 1 and 6-12 are allegedly “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” More specifically, the Examiner asserts that the claimed feature of “order information processing means for creating a visit request information to the sales rep and order information to a member manufacturer.”

Applicant respectfully traverses this rejection because 1) (at most) the Examiner’s concerns should have been made in a claim objection because the claimed scope was clear and 2) Applicant has amended independent claim 1 to address the Examiner’s concerns.

Independent claim 1 previously recited “order information processing means for creating a visit request information to the sales rep and order information to a member manufacturer using the estimate information and the order application information sent from the order application input means; sales rep dispatching means for sending the sales rep the visit request information; and member procuring means for sending the member manufacturer the order information.” Therefore, it is clear that the order information processing means creates the visit request information for the sales rep and order information for a member manufacturer because the visit request information is sent to the sales rep and the order information is sent to the member manufacturer. Thus, the claimed scope of the claimed invention was clear. The Examiner should have merely made a claim objection if he preferred the expression “for” instead of “to.” Accordingly, Applicant has amended independent claim 1 to recite “order information processing means for creating a visit request information for the sales rep and order information for a member manufacturer.”

Applicant respectfully submits that this amendment address the Examiner's concerns. Thus, based on this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

**Claim Rejection - 35 U.S.C. § 103(a)**

Claims 1 and 6-12 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable by Thompson et al. (U.S. Patent No. 6,810,401) in view of Nagao et al. (EP 0973106) in further view of Raffel et al. (U.S. Patent Publication No. 2002/0082892) and Official Notice. Applicant respectfully traverses this rejection.

**Request for Evidence based on Examiner's Official Notice**

Applicant notes that Official Notice may be taken of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. See *M.P.E.P. 2144.03*. However, if the assertion is traversed, references must be cited in support of the position taken in the Official Notice. See *Id.* The assertion of the Examiner's Official Notice is traversed. *M.P.E.P. 2144.03* states "the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained." Therefore, based on this traversal, Applicant respectfully requests the Examiner to provide documentary evidence for all features the Examiner relies on for Official Notice.

However, "[i]f the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding." See *Id.* Therefore, the Examiner must either provide documentary evidence of all of the features, provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding, or allow the pending application.

The Examiner merely states that the "Examiner takes Official Notice that it is old and well known for a customer and a sales person to meet in person when planning home improvement projects and that it is old and well known for a sales representative to visit the customers when planning such improvements." (See Office Action, lines 16-22 of page 4 and line 1 of page 5.)

However, in the claimed invention, visit request information is sent to a sales rep after a customer makes system plans, gets a cost estimate and places an order by the means of a solar cell ordering system. The Examiner has failed to consider “both the invention and the prior art as a whole.” (See MPEP § 2141.02.) Further, in the claimed invention, a sales rep meets a customer after the customer has ordered the solar cell. The sales rep and the customer do not need to meet for planning each other before the order. In addition, the cited references (at most) only disclose that the sales rep meets the customer for planning. The cited references fail to disclose the claimed feature that “the customer inputs order application including information showing a visit request date to a sales rep.” One benefit of this claimed feature is that the sales rep and the customer do not need to meet for planning with each other before the order. Thus, at least this claimed feature is not disclosed by the cited prior art.

Therefore, Applicant traverses the Examiner Official Notice and requires documentary evidence for all features the Examiner relies on for Official Notice.

**Argument A: Features of claim 1 not disclosed by cited prior art**

Independent claim 1 recites, *inter alia*, “a roof information input means by which a customer inputs roof information including information showing a shape of a roof when the roof is seen from a top, information showing a size with respect to each side of the roof, **and** information showing a type of the roof.” *Emphasis added.*

The Examiner acknowledges that Thompson fails to disclose this claimed feature. (See Office Action, last 6 lines of page 3.) The Examiner fails to rely on Nagao and Raffel for this claimed feature. The Examiner also fails to rely on Official Notice for this claimed feature. Therefore, the Examiner has failed to establish a prima facie case of obviousness in addressing this claimed feature in the Office Action. Therefore, Applicant respectfully requests that is the Examiner desires to maintain the current rejection that the Examiner issue a Non-Final Office Action where all the claimed features of independent claim 1 are addressed.

Further to the Examiner acknowledging that Thompson fails to disclose this claimed feature (see Office Action, last six lines of page 3), Nagao and Raffel fail to make up for the deficiencies of Thompson.

Nagao merely discloses “the shape of the installation surface is inputted in step S702., the shape of the installation surface is displayed on the display device 512 in step S703, thereby an operator can confirm the shape of the installation surface. [0073] As for the installation condition acquisition process 603, installation conditions are inputted in step S704.” (See Nagao, paragraph 72-73.) However, Nagao fails to disclose a combination of all three sets of information: 1) “information showing a shape of a roof when the roof is seen from a top,” 2) “information showing a size with respect to each side of the roof,” and 3) “information showing a type of the roof.”

Raffel merely discloses a method and apparatus for network-based sales force automation. (See Raffel, Abstract.) However, Raffel fails to disclose “a roof information input means by which a customer inputs roof information including information showing a shape of a roof when the roof is seen from a top, information showing a size with respect to each side of the roof, and information showing a type of the roof” as recited in independent claim 1.

Independent claim 1 is submitted to be allowable over the cited prior art for at least the above reasons.

Dependent claims 6-12 are allowable for the reasons set forth above with regards to claim 1 at least based on their dependency on claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 and 6-12 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 1 and 6-12 are respectfully requested for at least the above reasons.

#### **Argument B: Features of claim 1 not disclosed by cited prior art**

Independent claim 1 recites, *inter alia*, “roof shape creating means for creating roof shape data including information showing a roof construction plan, based on the roof information sent from the roof information input means.” *Emphasis added.*

Therefore, the roof shape creating means for creating roof shape data including information showing a roof construction plan based on a combination of all three sets of information: 1) “information showing a shape of a roof when the roof is seen from a top,” 2)

“information showing a size with respect to each side of the roof,” and 3) “information showing a type of the roof.”

In addition, the Examiner acknowledges that Thompson fails to disclose this claimed feature (see Office Action, last six lines of page 3 and first three lines of page 4) and relies on Nagao for only allegedly disclosing “customized solar cells according to roof shape, including roof shape means based on inputted information” (see Office Action, lines 10-12 of page 4).

Also, as stated above, the cited prior art fails to disclose a combination of all three sets of information: 1) “information showing a shape of a roof when the roof is seen from a top,” 2) “information showing a size with respect to each side of the roof,” and 3) “information showing a type of the roof.”

Further, none of the cited prior art references, including Nagao, disclose that a roof shape creating means for creating roof shape data including information showing a roof construction plan based on a combination of all three sets of information: 1) “information showing a shape of a roof when the roof is seen from a top,” 2) “information showing a size with respect to each side of the roof,” and 3) “information showing a type of the roof.”

Independent claim 1 is submitted to be allowable over the cited prior art for at least the above reasons.

Dependent claims 6-12 are allowable for the reasons set forth above with regards to claim 1 at least based on their dependency on claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 and 6-12 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 1 and 6-12 are respectfully requested for at least the above reasons.

### **Argument C: Features of claim 1 not disclosed by cited prior art**

Independent claim 1 recites, *inter alia*, “order application information input means by which the customer inputs an order application information that is necessary for the customer to apply an order placement, the order application information including information showing a visit request date to a sales rep; order information processing means for creating a visit request information to the sales rep and order information to a member manufacturer using the estimate

information and the order application information sent from the order application input means; sales rep dispatching means for sending the sales rep the visit request information; and member procuring means for sending the member manufacturer the order information, wherein the order information processing means determines whether the visit request date is specified or not based on the order application information, and wherein in a case where the visit request date is specified, the order information processing means creates the visit request information.”

Based on these claimed features, the Examiner merely states that:

- a) “Thompson discloses...order information processing means for creating and sending order information (see Office Action, lines 5 and 14-16 of page 3);”
- b) “Thompson also discloses sales representatives working with customers (see Office Action, lines 14-15 of page 4);
- c) “Raffel further teaches scheduling sales representative appointments (see Office Action, lines 15-16 of page 4).

However, Thompson and Raffel fail to disclose the following claimed features:

- i) The customer inputs order application information including information showing a visit request date to a sales rep;
- ii) Creating and sending a visit request information to the sales rep and order information to a member manufacturer using the estimate information and the order application information; and
- iii) Determining whether the visit request date is specified or not based on the order application information, and wherein in a case where the visit request date is specified, creating the visit request information.

Further (as stated above), in the claimed invention, a sales rep meets a customer after the customer has ordered the solar cell. The sales rep and the customer do not need to meet for planning each other before the order. In addition, the cited references (at most) only disclose that the sales rep meets the customer for planning. The cited references fail to disclose the claimed feature that “the customer inputs order application including information showing a visit request

date to a sales rep.” Also as noted above, one benefit of this claimed feature is that the sales rep and the customer do not need to meet for planning with each other before the order.

Therefore, the cited prior art fails to disclose the claimed feature of “order application information input means by which the customer inputs an order application information that is necessary for the customer to apply an order placement, the order application information including information showing a visit request date to a sales rep; order information processing means for creating a visit request information to the sales rep and order information to a member manufacturer using the estimate information and the order application information sent from the order application input means; sales rep dispatching means for sending the sales rep the visit request information; and member procuring means for sending the member manufacturer the order information, wherein the order information processing means determines whether the visit request date is specified or not based on the order application information, and wherein in a case where the visit request date is specified, the order information processing means creates the visit request information” as recited in independent claim 1.

Independent claim 1 is submitted to be allowable over the cited prior art for at least the above reasons.

Dependent claims 6-12 are allowable for the reasons set forth above with regards to claim 1 at least based on their dependency on claim 1.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 and 6-12 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 1 and 6-12 are respectfully requested for at least the above reasons.

## **Conclusion**

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of the cited prior art, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1 and 6-12 are distinguishable over the cited references.

In view of the above remarks and amendments, it is believed that the pending application is in condition for allowance.

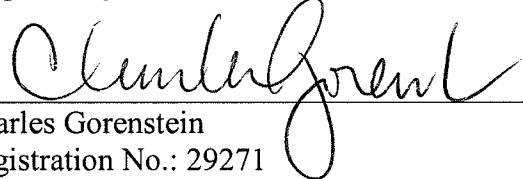
Applicant respectfully requests that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh (Reg. No. 62,278) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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